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c 45 French Language Services Act, 1986

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CHAPTER 45

**An Act to provide for
French Language Services in the
Government of Ontario**

Assented to November 18th, 1986

Preamble

Whereas the French language is an historic and honoured language in Ontario and recognized by the Constitution as an official language in Canada; and whereas in Ontario the French language is recognized as an official language in the courts and in education; and whereas the Legislative Assembly recognizes the contribution of the cultural heritage of the French speaking population and wishes to preserve it for future generations; and whereas it is desirable to guarantee the use of the French language in institutions of the Legislature and the Government of Ontario, as provided in this Act;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1. In this Act,

“organisme
gouverne-
mental”

“government agency” means,

- (a) a ministry of the Government of Ontario, except that a psychiatric facility, residential facility or college of applied arts and technology that is administered by a ministry is not included unless it is designated as a public service agency by the regulations,
- (b) a board, commission or corporation the majority of whose members or directors are appointed by the Lieutenant Governor in Council,
- (c) a non-profit corporation or similar entity that provides a service to the public, is subsidized in whole or in part by public money and is designated as a public service agency by the regulations,

R.S.O. 1980,
cc. 320, 202

(d) a nursing home as defined in the *Nursing Homes Act* or a home for special care as defined in the *Homes for Special Care Act* that is designated as a public service agency by the regulations,

1984, c. 55

(e) a service provider as defined in the *Child and Family Services Act, 1984* or a board as defined in the *District Welfare Administration Boards Act* that is designated as a public service agency by the regulations,

R.S.O. 1980,
c. 122

R.S.O. 1980,
c. 303

and does not include a municipality, or a local board as defined in the *Municipal Affairs Act*, other than a local board that is designated under clause (e).

"service"

"service" means any service or procedure that is provided to the public by a government agency or institution of the Legislature and includes all communications for the purpose.

Provision
of services
in French

2. The Government of Ontario shall ensure that services are provided in French in accordance with this Act.

Use of
English
or French in
Legislative
Assembly

3.—(1) Everyone has the right to use English or French in the debates and other proceedings of the Legislative Assembly.

Bills and
Acts of the
Assembly

(2) The public Bills of the Legislative Assembly introduced after the 1st day of January, 1991 shall be introduced and enacted in both English and French.

Translation
of Statutes

4.—(1) Before the 31st day of December, 1991, the Attorney General shall cause to be translated into French a consolidation of the public general statutes of Ontario that were re-enacted in the Revised Statutes of Ontario, 1980, or enacted in English only after the coming into force of the Revised Statutes of Ontario, 1980, and that are in force on the 31st day of December, 1990.

Enactment

(2) The Attorney General shall present the translations referred to in subsection (1) to the Legislative Assembly for enactment.

Translation
of regulations

(3) The Attorney General shall cause to be translated into French such regulations as the Attorney General considers

appropriate and shall recommend the translations to the Executive Council or other regulation-making authority for adoption.

Right to
services in
French

5.—(1) A person has the right in accordance with this Act to communicate in French with, and to receive available services in French from, any head or central office of a government agency or institution of the Legislature that is designated by the regulations, and has the same right in respect of any other office of such agency or institution that is located in or serves an area designated in the Schedule.

Re-enactment
of s. 5 (1)

(2) Subsection (1) is repealed three years after it comes into force and the following substituted therefor:

Right to
services
in French

(1) A person has the right in accordance with this Act to communicate in French with, and to receive available services in French from, any head or central office of a government agency or institution of the Legislature, and has the same right in respect of any other office of such agency or institution that is located in or serves an area designated in the Schedule.

Duplication
of services

(3) When the same service is provided by more than one office in a designated area, the Lieutenant Governor in Council may designate one or more of those offices to provide the service in French if the Lieutenant Governor in Council is of the opinion that the public in the designated area will thereby have reasonable access to the service in French.

Idem

(4) If one or more offices are designated under subsection (3), subsection (1) does not apply in respect of the service provided by the other offices in the designated area.

Existing
practice
protected

6. This Act shall not be construed to limit the use of the English or French language outside of the application of this Act.

Limitation
of
obligations
of
government
agencies, etc.

7. The obligations of government agencies and institutions of the Legislature under this Act are subject to such limits as circumstances make reasonable and necessary, if all reasonable measures and plans for compliance with this Act have been taken or made.

Regulations

8.—(1) The Lieutenant Governor in Council may make regulations,

- (a) designating public service agencies for the purpose of the definition of "government agency";
- (b) amending the Schedule by adding areas to it;
- (c) designating government agencies and institutions of the Legislature for the purposes of subsection 5 (1);
- (d) exempting services from the application of sections 2 and 5 where, in the opinion of the Lieutenant Governor in Council, it is reasonable and necessary to do so and where the exemption does not derogate from the general purpose and intent of this Act.

Repeal of
s. 8 (1) (c)

(2) Clause (1) (c) is repealed three years after this Act comes into force.

Public service
agencies;
limited
designation

9.—(1) A regulation designating a public service agency may limit the designation to apply only in respect of specified services provided by the agency, or may specify services that are excluded from the designation.

Consent of
university

(2) A regulation made under this Act that applies to a university is not effective without the university's consent.

Notice and
comment re
exempting
regulation,
etc.

10.—(1) This section applies to a regulation,

- (a) exempting a service under clause 8 (1) (d);
- (b) revoking the designation of a public service agency;
- (c) amending a regulation designating a public service agency so as to exclude or remove a service from the designation.

Idem

(2) A regulation to which this section applies shall not be made until at least forty-five days after a notice has been published in *The Ontario Gazette* and a newspaper of general circulation in Ontario setting forth the substance of the proposed regulation and inviting comments to be submitted to the Minister responsible for Francophone Affairs.

Idem

(3) After the expiration of the forty-five day period, the regulation with such changes as are considered advisable may be made without further notice.

Program
for the
designation
of public
service
agencies

11. The Lieutenant Governor in Council shall establish a program for the purpose of encouraging non-profit corporations and similar entities to consent to their designation as public service agencies before subsection 5 (1) as re-enacted by subsection 5 (2) comes into force.

Responsible
Minister

12.—(1) The Minister responsible for Francophone Affairs is responsible for the administration of this Act.

Functions

(2) The functions of the Minister are to develop and co-ordinate the policies and programs of the government relating to Francophone Affairs and the provision of French language services and for the purpose, the Minister may,

- (a) prepare and recommend government plans, policies and priorities for the provision of French language services;
- (b) co-ordinate, monitor and oversee the implementation of programs of the government for the provision of French language services by government agencies and of programs relating to the use of the French language;
- (c) make recommendations in connection with the financing of government programs for the provision of French language services;
- (d) investigate and respond to public complaints respecting the provision of French language services;
- (e) require the formulation and submission of government plans for the implementation of this Act and fix time limits for their formulation and submission;
- (f) refer matters to the Ontario French Language Services Commission for its report and recommendations within such times as the Minister specifies,

and shall perform such duties as are assigned to the Minister by order in council or by any other Act.

Annual
report

(3) The Minister, after the close of each fiscal year, shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Office of Francophone Affairs and shall then lay the report before the Assembly if it is in session or, if not, at the next session.

Office for
Francophone
Affairs
R.S.O. 1980,
c. 418

13. Such employees as are considered necessary shall be appointed under the *Public Service Act* for the administration of the functions of the Minister responsible for Francophone Affairs, and shall be known as the Office of Francophone Affairs.

French
language
services
co-ordinators
Committee

14.—(1) A French language services co-ordinator shall be appointed for each ministry of the government.

(2) There shall be a committee consisting of the French language services co-ordinators, presided over by the senior official of the Office of Francophone Affairs.

Communi-
cation

(3) Each French language services co-ordinator may communicate directly with his or her deputy minister.

Deputy
minister

(4) Each deputy minister is accountable to the Executive Council for the implementation of this Act and the quality of the French language services in the ministry.

Ontario
French
Language
Services
Commission

15.—(1) The Ontario French Language Services Commission is established and consists of,

- (a) a chairman who shall be a full-time member appointed by the Lieutenant Governor in Council for a term of three years;
- (b) four part-time members who shall be appointed by the Lieutenant Governor in Council for a term of three years; and
- (c) the senior official of the Office of Francophone Affairs, who shall be a member by virtue of the office, but shall not have a vote.

Term of
replacement

(2) If the seat of the chairman or a part-time member becomes vacant, it shall be filled for the unexpired portion of the term.

Function of
Commission

(3) The Commission may,

- (a) review the availability and quality of French language services and make recommendations for their improvement;

- (b) recommend the designation of public service agencies and the addition of designated areas to the Schedule;
- (c) require non-profit corporations and similar entities, facilities, homes and colleges referred to in the definition of "government agency" to furnish to the Commission information that may be relevant in the formulation of recommendations respecting their designation as public service agencies;
- (d) recommend changes in the plans of government agencies for the provision of French language services and make the plans and recommendations public;
- (e) make recommendations in respect of an exemption or proposed exemption of services under clause 8 (1) (d) and make the recommendations public,

and shall perform any other function assigned to it by the Minister responsible for Francophone Affairs, the Executive Council or the Legislative Assembly.

Recommendations

(4) The relevant recommendations of the Commission shall be taken into consideration in the making of decisions under this Act and are admissible in evidence in a proceeding.

Responsible to Minister

(5) The Commission is responsible to the Minister responsible for Francophone Affairs.

Staff
R.S.O. 1980,
c. 418

(6) Such employees as are considered necessary shall be appointed under the *Public Service Act* for the performance of the Commission's functions.

Annual report

(7) The Commission shall, after the close of each fiscal year, submit an annual report upon the affairs of the Commission to the Speaker of the Legislative Assembly who shall then lay the report before the Assembly if it is in session or, if not, at the next session.

Dissolution of Commission

(8) The Commission is dissolved three years after the coming into force of this section and thereafter the functions of the Commission under subsection (3) shall be performed by the Office of Francophone Affairs.

Re-enactment
of
s. 15 (3) (d,
e)

(9) Clauses (3) (d) and (e) are repealed three years after the coming into force of this section and the following substituted therefor:

(d) recommend changes in the plans of government agencies for the provision of French language services;

(e) make recommendations in respect of an exemption or proposed exemption of services under clause 8 (1) (d).

Municipal
by-laws re
official
languages

16.—(1) The council of a municipality that is in an area designated in the Schedule may pass a by-law providing that the administration of the municipality shall be conducted in both English and French and that all or specified municipal services to the public shall be made available in both languages.

Right to
services in
English and
French

(2) When a by-law referred to in subsection (1) is in effect, a person has the right to communicate in English or French with any office of the municipality, and to receive available services to which the by-law applies, in either language.

Metropolitan
and regional
councils

(3) Where an area designated in the Schedule is in a metropolitan or regional municipality and the council of a municipality in the area passes a by-law under subsection (1), the council of the metropolitan or regional municipality may also pass a by-law under subsection (1) in respect of its administration and services.

Commence-
ment

17. This Act comes into force on the day it receives Royal Assent.

Short title

18. The short title of this Act is the *French Language Services Act, 1986*.

SCHEDULE

MUNICIPALITY OR DISTRICT	AREA
Municipality of Metropolitan Toronto	All
Regional Municipality of Hamilton-Wentworth	City of Hamilton
Regional Municipality of Niagara	Cities of: Port Colborne and Welland
Regional Municipality of Ottawa-Carleton	All
Regional Municipality of Peel	City of Mississauga
Regional Municipality of Sudbury	All
County of Dundas	Township of Winchester
County of Essex	City of Windsor Towns of: Belle River and Tecumseh Townships of: Anderdon, Colchester North, Maidstone, Sandwich South, Sandwich West, Tilbury North, Tilbury West and Rochester
County of Glengarry	All
County of Kent	Town of Tilbury Townships of: Dover and Tilbury East
County of Prescott	All
County of Renfrew	City of Pembroke Townships of: Stafford and Westmeath
County of Russell	All
County of Simcoe	Town of Penetanguishene Townships of: Tiny and Essa
County of Stormont	All
District of Algoma	All
District of Cochrane	All
District of Kenora	Township of Ignace

District of Nipissing	All
District of Sudbury	All
District of Thunder Bay	Town of Geraldton Townships of: Longlac, Manitouwadge, Marathon, Beardmore, Nakina and Terrace Bay
District of Timiskaming	All